

EXHIBIT C

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1 A. There are customer conferences that are
2 product oriented.

3 Q. Okay.

4 A. That's product training for customers that
5 sales people attend as well.

6 Q. Now, how often do those conferences occur?

7 A. It's product specific. Usually if you look
8 at a family of products, maybe once a year.

9 Q. Now, you've indicated that you've received
10 management training?

11 A. Uh-huh.

12 Q. And this is also pursuant to your
13 employment with Lucent?

14 A. Yes.

15 Q. What has this management training consisted
16 of?

17 A. I have had coaching skills classes. I have
18 had diversity skills classes. Formal classes, I
19 think that's it with Lucent.

20 Q. And what have these coaching classes
21 consisted of?

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1 A. Basically you -- the classes that I
2 attended were some part lecture, some part case
3 study. In some cases it was one-on-one kind of like
4 role playing.

5 Q. Now, when you use the word coaching, what
6 do you understand that word to mean?

7 A. Working with others.

8 Q. In what capacity?

9 A. Trying to determine mutual goals. Trying
10 to understand what's the best path to get a goal
11 accomplished.

12 Q. Is this on a peer level or is this on a
13 level of supervisor to employee?

14 A. This particular class I'm referring to was
15 manager to employee.

16 Q. Has there only been this one class in
17 coaching?

18 A. Yes, that I can recall at this moment.

19 Q. Now, you've mentioned that you had
20 diversity skills training?

21 A. Uh-huh.

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1 Q. Is this separate from the diversity
2 training that you've previously indicated that
3 you've had or is this the same?

4 A. I've had a class in diversity training.

5 Q. And when was that, sir?

6 A. I think it was in spring of 2000, but I'm
7 not clear on the date.

8 Q. And what did -- and this was only one
9 class?

10 A. Uh-huh.

11 Q. And what did this class consist of?

12 A. Role playing and lecture.

13 Q. Now, was this one class session or was this
14 over a period of time?

15 A. It was a one day class. It was associated
16 with a coaching class.

17 Q. And what topics were covered in that class,
18 Mr. Herr?

19 A. Topics of race, topics of male-female
20 relationships, topics of women in the workplace. I
21 think also topics of language, topics of

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1 accommodating people with handicaps.

2 Q. Anything else?

3 A. That's all.

4 Q. Do you recall what specifically was
5 discussed in terms of male-female relationships in
6 this class?

7 A. Not specifically.

8 Q. Do you recall specifically what was
9 discussed along the lines of topics of women in the
10 workplace?

11 A. I couldn't go into specifics. What I would
12 say is that they had discussions on appropriate
13 behavior. They had discussions on appropriate
14 language. They had situations where they would
15 present a case where the instructor would take a
16 position as an employee and you would have to
17 respond to it.

18 Q. Do you recall what was lectured on as far
19 as appropriate behavior in the workplace?

20 A. Yes, it was supporting professionalism and
21 focusing on the job at hand.

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1 Q. What specifically was taught to be
2 appropriate behavior in the workplace?

3 A. It was not a class where they would say
4 don't do this, it was a class that said these are
5 the things that need to be done in terms of
6 appropriate behavior.

7 Q. Okay. And do you recall what things were
8 said that needed to be done to constitute
9 appropriate behavior in the workplace?

10 A. It's a focus on the job at hand.
11 Regardless of who the employee is, the task was to
12 be looked at here as an objective that has to be
13 covered and here are the resources that you have.
14 Everybody has skills and strengths. It's best to
15 get the people best suited to the task on the
16 assignment.

17 Q. And how did that relate vis-a-vis the
18 male-female interaction in the workplace?

19 A. Help me understand your question.

20 Q. Okay. You've just indicated that one of
21 the aspects of this diversity training or one of the

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1 things that were taught to you was along the lines
2 of working to better utilize the strengths of the
3 team for a specific task at hand?

4 A. Uh-huh.

5 Q. What I believe I asked you was in what way
6 did this particular topic of utilizing strengths
7 relate to the male versus female dynamic in the
8 workplace?

9 MR. NICCOLINI: Objection. You can
10 answer.

11 A. I think the thrust of the class is to say
12 that the strengths in the profession that Lucent
13 hires, there isn't a difference between male and
14 female.

15 BY MR. ZUNA:

16 Q. What specifically, if anything, do you
17 recall regarding the topic of language that was
18 taught in this diversity class that you've taken?

19 A. The topic of language I don't think was
20 addressed explicitly.

21 Q. Well, how was it addressed implicitly?

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1 A. I think it was addressed implicitly by
2 saying always act with professionalism, always act
3 with the job in mind at hand.

4 Q. What specifically, if anything, do you
5 recall regarding the topic of race that was
6 discussed in this diversity training?

7 A. The buzz word that sticks out in my mind is
8 race matters. It's an important issue, it's an
9 issue that has large emotions associated with it.
10 And people need to be viewed holistically as if they
11 can do the job regardless of race.

12 Q. You've indicated that -- aside from the one
13 diversity class, have you had any other diversity
14 training while at Lucent?

15 A. Yeah, many years ago there was a seminar
16 when I was in the Connecticut office. It was early
17 in the '90s. It was a -- all of the salespeople
18 attended the class. It was a view graph
19 presentation many years ago. It was about an hour
20 and a half.

21 Q. Do you recall specifically what, if

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1 anything, was discussed in this view graph
2 presentation?

3 A. Similar topics, male-female relations,
4 race. I think religion was brought up in that class
5 as well.

6 Q. Do you recall what, if anything, was
7 discussed along the topic of religion?

8 A. There was no discussion, it was a view
9 graph presentation. I can't speculate, no. I don't
10 recall either.

11 Q. Did you receive a certificate for your
12 participation in this diversity training class in
13 the early '90s?

14 MR. NICCOLINI: Objection. You can
15 answer.

16 A. No, it was something that they brought out
17 to the sales folks.

18 BY MR. ZUNA:

19 Q. Okay. Now, after you had -- now, you
20 completed this diversity class that you indicated
21 you took in 2000, correct?

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1 MR. NICCOLINI: Objection.

2 A. Ask your question again.

3 BY MR. ZUNA:

4 Q. Okay. Did you fully complete the diversity
5 class that you took in the year 2000?

6 MR. NICCOLINI: Objection.

7 A. I attended a class on coaching and
8 diversity. It was a three day class with one day of
9 diversity and two days of coaching. I don't recall
10 the exact name of the class. Yes, I completed it.

11 BY MR. ZUNA:

12 Q. Did you receive a certificate for your
13 completion of the class?

14 A. Lucent typically offers a certificate. I
15 completed the class.

16 Q. Do you recall if you received your
17 certificate?

18 A. I don't recall.

19 Q. Now, you just indicated that this diversity
20 class was factored into the larger coaching class.
21 Now, is this the same coaching class that you've

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1 A. Sales manager.

2 Q. How long have you been in this sales
3 manager's position?

4 A. Four years.

5 Q. Have you been based in Columbia throughout
6 that entire time?

7 A. I started off in Hamden, Connecticut and
8 moved to Linthicum, Maryland, then to Columbia,
9 Maryland.

10 Q. Now, when did you move from Linthicum to
11 Columbia?

12 A. December of last year.

13 Q. What were the circumstances of your move to
14 Columbia from the Linthicum location?

15 A. Downsizing the office space. The office
16 that I was in was being closed.

17 Q. And when did you move from New Haven to
18 Linthicum?

19 A. '98. Maybe November, December of '98.

20 Q. And what were the circumstances surrounding
21 your move to Maryland from Connecticut?

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1 A. I was selling to one account and I was
2 moved to a new account based on a promotion.

3 Q. And would this have been a promotion to the
4 sales manager's position that you've already
5 testified to?

6 A. Correct.

7 Q. What position did you occupy at the time of
8 that promotion in '98?

9 A. I was a salesman, and I had one person
10 reporting to me at that time.

11 Q. Now, in your current position as a sales
12 manager, do you have people that report to you now?

13 A. Correct.

14 Q. How many people do you have reporting to
15 you now?

16 A. Today, two and one dotted line.

17 Q. And what do you mean when you say and one
18 dotted line?

19 A. 50 percent of the time he sells my products
20 into my account. The other 50 percent of the time
21 he sells into different accounts.

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1 A. I'm aware of the allegations.

2 Q. Is the allegation true?

3 A. No.

4 Q. Are you aware of the allegations in
5 Ms. Mazzarello and Ms. Bryan's complaints that
6 following this discussion that as you walked by the
7 cubicles in the office you would wave an empty
8 bottle at them as they were on the phone?

9 A. I'm aware of the allegation.

10 Q. Is the allegation true?

11 A. No.

12 Q. Now, did there ever come a time in which
13 Ms. Bryan or Ms. Mazzarello made any statements or
14 informal complaints to you in reference to your
15 conduct in the office?

16 A. Conduct, no.

17 Q. Did there come a time where Ms. Mazzarello
18 or Ms. Bryan had any statement or conversation with
19 you regarding statements that you made in the
20 office?

21 A. Yes.

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1 Q. Do you recall when that was, sir?

2 A. Jennifer had -- Ms. Mazzarello had made
3 some comment about language I was using. I said,
4 "Okay, let's talk about it." So I think we
5 scheduled something for either that day or the next
6 day, went downstairs and grabbed a bite to eat.

7 Q. So you had lunch?

8 A. Yeah.

9 Q. And do you recall what was said during this
10 conversation or during this meeting that you had
11 with Ms. Mazzarello?

12 A. No.

13 Q. Do you recall what specific comments she
14 took issue with at that time?

15 A. My recollection is it was vague. It was
16 nothing specific. It was, "I don't appreciate some
17 language that you're using." I said okay.

18 Q. Do you recall any of the specific language
19 that she was taking issue to?

20 A. I don't really recall, no. My recollection
21 is there was no discussion on specific language.

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1 Q. And what response, if any, did you have for
2 Ms. Mazzarello at that time?

3 A. I acknowledged her position. I think
4 either that day or the next day I said, "Jennifer,
5 nice to have lunch with you" -- I sent this to her
6 in writing, it's in the deposition I believe. I
7 said, "I appreciated our conversation. Let's
8 continue to make each other work to the highest
9 standards." I said -- I used the phrase, "Let's
10 keep the bar high."

11 MR. ZUNA: Can I have this marked, please.

12 (Deposition Exhibit 1 marked.)

13 BY MR. ZUNA:

14 Q. I'm going to show you what's been marked as
15 Deposition Exhibit 1. I'll ask you to look at that
16 document. Have you seen that document before, sir?

17 A. Yeah, it looks like something I wrote.

18 Q. Can you describe for me what that is?

19 A. Would you like me to read it?

20 Q. No, you don't have to read it. If you can
21 describe for me what it is?

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1 A. This is the document I had talked about
2 after we had lunch where I said yes, I hear your
3 request about my language. You're right, let's
4 continue to work towards making it a better
5 workplace.

6 Q. Now, after this discussion with
7 Ms. Mazzarello -- well, strike that.

8 Aside from this discussion or this meeting
9 that you had with Ms. Mazzarello, was there any
10 other conversation with either yourself and
11 Ms. Bryan or Ms. Mazzarello regarding your language
12 or conduct within the office?

13 A. No.

14 Q. Did Ms. Bryan ever make any comment to
15 you --

16 A. No.

17 Q. -- regarding your language or comments in
18 the office?

19 A. Not that I recall.

20 Q. Did Ms. Mazzarello aside from this one
21 meeting make any other comment or have any

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1 make a request of you to allow her to transfer off
2 of your team?

3 A. Yes.

4 Q. Did you advise her that you agreed to
5 transfer her off of the team at that time?

6 A. I had asked her to stay. She was a
7 valuable and important resource to the team.

8 Q. The question was did you agree at that time
9 to allow her to transfer from your team?

10 A. I don't recall. I don't recall honestly.

11 Q. Now, how long after this meeting with
12 Ms. Bryan did you receive a phone call from Mr. May?

13 A. Shortly.

14 Q. Then what happened at that time?

15 A. I was confronted by Ed May and Sarah
16 Brazier. Sarah spoke, Ed spoke. Sarah got up and
17 left. Ed had confronted me on three specific
18 complaints, three specific pieces of language.

19 Q. What were those?

20 A. I believe it was -- well, I'm unclear. I
21 remember sphincter, woody and there was another one.

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1 Ed told me it was unacceptable behavior, that I was
2 to stop immediately. If it continued there would be
3 additional consequences.

4 Q. Did Mr. May elaborate as to what additional
5 consequences meant?

6 A. I think it was pretty clear.

7 Q. Okay. In your mind then what did that
8 mean?

9 A. Without corrective action in a continued
10 course as it was alleged I would expect termination.

11 Q. Now, you've indicated that Ms. Brazier was
12 there for at least a portion of this discussion with
13 Mr. May?

14 A. Uh-huh, yes.

15 Q. What did Ms. Brazier say during the course
16 of this conversation?

17 A. She said, "Listen to Ed."

18 Q. And then she left?

19 A. Basically it was a -- Sarah and I had
20 talked earlier about the issue with Ms. Mazzarello.
21 I did not have a lot of discussion about Ms. Bryan.

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1 team. When you use the word team, what do you mean?

2 A. The people in my organization.

3 Q. Is this on the customer team or is this the
4 specific -- well, yeah, is it the Verizon customer
5 team that we're referring to?

6 A. Yes.

7 Q. Now, after your discussion with Mr. May
8 regarding the language that he termed to be
9 unacceptable, what, if anything, further was done in
10 terms of corrective action towards you?

11 MR. NICCOLINI: Objection. Go ahead.

12 A. He reprimanded me and said that I had to
13 take training so I could understand what I was
14 supposed to be doing.

15 BY MR. ZUNA:

16 Q. Now, when you say reprimanded, what do you
17 mean by that?

18 A. He told me that my behavior was
19 unacceptable as a Lucent manager, and that I had to
20 stop it immediately.

21 Q. Was there anything further in terms of a

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1 reprimand?

2 A. I know it went in my file, if that's what
3 you mean.

4 Q. This would be your personnel file?

5 A. Uh-huh.

6 Q. Now, the transfer request Ms. Bryan had
7 made of you, was this -- strike that.

8 When you contacted Ms. Brazier and Mr. May
9 regarding Ms. Bryan's transfer request, from where
10 did you describe that Ms. Bryan wanted to be
11 transferred from?

12 A. Off of my team, off of the Y2K project.
13 You have to remember --

14 Q. Now, I'm sorry, did you advise specifically
15 that --

16 MR. NICCOLINI: Let him finish his
17 response.

18 BY MR. ZUNA:

19 Q. Go ahead and answer.

20 A. Lisa was very good at her job. I did not
21 want her to transfer off. I was unaware of her

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1 them she got a little bit of -- how about this. She
2 was moved into a similar position of sales
3 realization on the Verizon team.

4 Q. Did she still have any responsibilities as
5 far as the Y2K team?

6 A. No, it was a clean break.

7 Q. It was a clean break, okay. Now, when
8 Ms. Mazzarello transferred away from your
9 supervision, did she have any responsibilities in
10 terms of the Y2K project or the Verizon customer
11 team?

12 A. She transferred within the Verizon customer
13 team. She had no association with me or my projects
14 that I was working.

15 Q. Isn't it true, Mr. Herr, that after
16 Ms. Bryan's transfer from your supervision that she
17 still had responsibilities for an audit in reference
18 to the Y2K project?

19 A. I recall an audit, but I think that was
20 more in the summer. No, when she left she left.
21 She probably had files on her PC. The audit was

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1 done in the summer. Ms. Bryan left in like the
2 August time frame.

3 Q. Now, after Ms. Mazzarello and Ms. Bryan
4 transferred away from your supervision, did they
5 still have occasion to interact with you in the
6 workplace or have to work on projects in which you
7 were involved?

8 MR. NICCOLINI: Objection.

9 A. There were no projects that we worked on
10 together after they had taken new assignments. The
11 interaction was of a non substantive nature, hello,
12 how are you. If there was work that had to be done,
13 I reassigned a couple people on my team to backfill
14 for Ms. Mazzarello and Ms. Bryan. I also picked up
15 another employee to assist in that process. I think
16 I brought him on after Jennifer. I would say the
17 only interaction would probably be with my team
18 members asking for files that were on their PCs.

19 BY MR. ZUNA:

20 Q. Were there meetings that you would have had
21 to have attended with either Ms. Bryan or

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1 commencement of litigation in this case?

2 A. None that I can recall.

3 Q. Did you ever make a comment to employees of
4 Lucent that Ms. Mazzarello and Ms. Bryan could no
5 longer work on the Y2K team because they were suing
6 you for sexual harassment?

7 A. I never made that comment.

8 Q. Did you ever make that comment to anyone?

9 A. I never made that comment. I did not want
10 Ms. Mazzarello or Ms. Bryan to leave the Y2K team.
11 They were good employees, simple as that. I
12 believed I worked hard to prove that to them,
13 getting raises for them, writing reviews for them,
14 writing promotion questions, having the promotion
15 request denied, having to go back, rewrite the
16 request and finally get the promotion. I believe I
17 got them satisfactory raises. I did not want them
18 to leave the team, they were good.

19 Q. The question was after they had left, did
20 you ever tell anyone that the reason why they had
21 left was that they had sued you for sexual

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1 commencement of litigation we're here for today, did
2 you ever advise anyone that the reason why Ms. Bryan
3 or Ms. Mazzarello left your team was because they
4 were at that time suing you for sexual harassment?

5 A. No.

6 Q. Did you ever advise anyone in this span of
7 time that we've discussed that the reason why
8 Ms. Mazzarello or Ms. Bryan had left your team was
9 because they had made claims of sexual harassment or
10 discrimination against you?

11 A. No, I kept this discussion to myself only.

12 Q. Did you ever make the comment that the
13 coaching class that you were assigned to was charm
14 school?

15 A. There is a phrase called charm school, but
16 not that class. And no, I did not make that
17 comment.

18 Q. Did you ever make reference to the
19 allegations that had been made against you by
20 Ms. Mazzarello or Ms. Bryan-- well, strike that.

21 Did you ever make the statement that the

Mazzarello, Jennifer L (Jennifer)

From: Herr, Christopher H (Christopher)
Sent: Thursday, May 27, 1999 1:24 PM
To: Jennifer Mazzarello
Subject: Thank you

Jennifer,

I appreciate your comments requesting that I change my vocabulary. You are right. Thank you. Please continue to hold the bar high.

Chris

